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Please review the draft rule changes in reference to the complete rule chapters. Note that many of the current rule chapters speak to foster parent training and we have deleted those specific sections in the rule chapters and put them into rule Chapter 117 *Foster Parent Training*. If you care to comment on these draft rules, you need to respond by January 23, 2009 by e-mailing them to Harry Rossander at hrossan@dhs.state.ia.us.

The following rule amendments are proposed:

Item 1: Amend rule **441—112(237)** as follows:

Amend subrule **112.3(1)** as follows:

441—112.3(237) Application for license.

112.3(1) Right to apply. Any adult individual or agency has the right to make application for a license.

~~a. Persons wishing to care for children through a public or private agency shall make application through that agency. Persons wishing to apply to be foster parents to children placed by the department or private agencies shall make application to the department's recruitment and retention contractor.~~

~~b. Persons wishing to care for children directly placed by parents, guardians, or other relatives shall make application to the department of human services.~~

Item 2. Amend **441—112.5(237)** as follows:

112.5(2) Reapplications. The department shall not act on a reapplication for licensing by the applicant for a period of 12 months from the date of the application when an applicant's license has been denied or revoked. Reapplications ~~will~~ shall be denied when:

c. The foster family has been contacted but has refused any placements during the past three years.

d. The foster family refuses to engage as a resource to birth parents when it can be done in a way that does not put their family or the foster child at risk of harm.

Item 3. Amend **441—112.9(237)** as follows:

Amend subrules **112.9(2)**, **112.9(3)** as follows:

112.9(2) Requirements for emergency suspension. The emergency suspension of a license by the ~~commissioner~~ director or designee shall occur only when all of the following conditions exist:

112.9(3) Requirements for time-limited suspensions. The time-limited suspension of a license by the ~~commissioner~~ director or designee shall occur only when all of the following conditions exist:

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Item 4. Amend rule **441—112.10(232)** as follows:

Amend subrules **112.10(1)**, **112.10(3)** paragraph “b”, **112.10(5)** paragraph “b”

112.10(1) *Mandatory ~~reports~~ reporters.*

112.10(3) *Training provider.*

b. If the foster care provider is a licensed foster parent, the foster parent shall be responsible for obtaining the required two hour training in child abuse identification and reporting as part of a continuing education program required under Iowa Code chapter ~~258A 272C and 232.69~~, ~~or from any of the following: the department of human services, the department of education, and approved by the department of public health an area education agency, a school district, the Iowa law enforcement academy, or a similar public agency.~~

112.10(5) *Training documentation.*

b. If the foster care provider is a licensed foster parent, the foster parent shall be responsible for securing documentation of the training content, amount, and provider, and shall forward the documentation to the ~~department's~~ recruitment and retention contractor who will provide it to the district service area office for inclusion in the licensing file.

Item 5: Amend rule **441—113(237)** as follows:

Amend rule **441—113.2(237)** by adding new definitions of “consanguinity within the fourth degree”, “corporal punishment”, “department”, “foster child”, “licensed practitioner of the healing arts”, “resource family home”, and amend the definition of “relative” as follows:

441—113.2(237) Definitions.

“Consanguinity within the Fourth Degree” means:

First degree – son or daughter, brother or sisters, parents.

Second degree – grandson or daughter, grand parents, nieces or nephews, aunts or uncles and first cousins

Third degree – great grandson or great granddaughter, great grandparents, great niece or great nephew, great aunt or great uncle, first cousin once removed and second cousins

Fourth degree – great great grandson or great great granddaughter, great great grandparents, great grand niece or great grand nephew, great grand aunt or great grand uncle, first cousin twice removed, second cousin once removed and third cousin

“Corporal punishment” means the physical punishment of a child.

“Department” means the department of human services

“Foster child” means a child who is under the legal custody, guardianship and supervision of the department and in a foster care placement.

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“Licensed practitioner of the healing arts” means one of the following who is licensed to practice in the state of Iowa as:

1. A psychologist.
2. A certified psychiatric mental health nurse practitioner.
3. A licensed independent social worker.
4. A marital and family therapist.
5. A mental health counselor.

“Relative” means ~~brothers, sisters, uncles, grandparents, half brothers and first cousins of the child.~~ persons related to the Fourth Degree of consanguinity.

“Resource family home” means an individual person or married couple, who are licensed to provide foster family care or approved to provide adoption. Throughout the provision of care, the resource family shall actively ensure that the child stays connected to his/her kin, culture and community connections as documented in the child’s case permanency plan.

Item 6. Amend rule **441—113.3(237)** as follows:

Amend subrule **441—113.3(1), 113.3(2), 113.3(4), 113.3(5)**

441—113.3(237) Application for license.

113.3(1) *Where to apply.* ~~Persons wishing to care for children through a public or private agency needing family foster care shall make application through the department’s retention and recruitment contractor that agency.~~

113.3(2) *Relative applications.* A relative wishing to care for children being placed directly by the child’s parents, guardian or another relative as defined in this chapter, may apply for a license as a foster parent. ~~to qualify for aid to dependent children foster care or to continue foster care payments.~~

~~**113.3(3) *Children placed by parents, relatives or guardian.*** Persons wishing to care for children being placed directly by parents, guardian or another relative shall make application to the department of human services prior to placement.~~

113.3(4) *Application form.* A person who has reached a decision to operate a foster family home shall make application on Form 470-0689, Foster Family Home License Application. A request for renewal of the license shall be made on the same form.

113.3(5) *Notification.* The department shall notify a foster family home applicant of the approval or denial of a license within ~~120~~ 140 days of the date that the applicant begins the preservice training required under subrule 113.8(1), notwithstanding the time limit in 441—subrule 112.3(7). When pre-service training is waived, the department shall notify a foster family home applicant of the approval or denial of a license within 120 days of the date that the decision to waive pre-service training is granted.

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Item 7. Amend rule **441—113.5(237)** as follows:

Amend subrules **113.5(1)**, **113.5(2)** paragraphs “b”, “c”, **113.5(3)** paragraphs “a”, **113.5(5)** paragraphs “a”, “b”, and “c” **113.5(6)** paragraph “a”, new paragraph “i”, **113.5(7)**, **113.5(9)** “b”, **113.5(10)**

441—113.5(237) Physical and Safety standards.

113.5(1) General standards. The foster family home shall be safe, clean, well ventilated, properly lighted, properly heated, and free from vermin and rodents to ensure the well-being of the foster children residing in the home. The foster parents shall provide reasonable supervision of foster children to ensure their safety.

113.5(2) Grounds.

b. The foster child shall be protected against ~~such~~ hazards, as including, but not limited to, traffic, pools, railroads, waste material, and contaminated water.

c. All dangerous objects, or equipment, including but not limited to, trampolines, recreational vehicles, and power tool equipment, shall be inaccessible to a child unless there is reasonable supervision by the foster parent after obtaining parental or guardian permission to use the equipment or vehicle. Hazardous materials such as poisonous substances, explosives, and flammable substances shall be stored securely and inaccessible to a child.

113.5(3) ~~Sleeping~~ Bedrooms for foster children.

a. ~~Sleeping~~ Bedrooms shall either have been constructed for the purpose of providing sleeping accommodation or remodeled for sleeping to provide proper heat and ventilation. All bedrooms must have a closet, window, door that closes and permanent walls. The access to any bedroom shall not require passing through another bedroom. Foster children shall not share a bed with any other child.

b. For multiple occupancy the minimum area per child shall be ~~40 square feet~~ adequate space to meet the needs of the child as determined by the worker completing the Foster Home Survey Report, form 470-0695.

c. When ~~sleeping~~ bedrooms meet only minimum requirements, the home shall provide additional room in other parts of the home for study and play. Bedroom additions to a home shall meet building code requirements.

113.5(4) All rooms above ground.

a. All rooms above ground shall have adequate window area or mechanical artificial ventilation.

b. The ceiling height for rooms above ground shall be ~~seven feet or more~~ adequate for the child.

113.5(5) Rooms below ground.

a. Rooms below ground shall be free from excessive dampness, noxious gases, and objectionable odors.

b. ~~Sleeping~~ Bedrooms for foster children located below ground shall have at least one direct exit to the outside in addition to one inside stairway, and shall conform to standards listed in 113.5(3) and 113.7(1).

113.5(6) Physical care standards for foster children.

a. Grouping children in sleeping rooms shall take into consideration the age and sex of children. Children over six years of age shall not share a room with a child of the

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opposite sex. Any person age 18 and over shall not share a bedroom with a foster child in the home.

i. Foster parents shall have a designated bedroom.

j. Children under the age of one year shall be placed on their backs when sleeping unless otherwise authorized in writing by a physician.

113.5(7) Household pets. Household pets ~~which have access to the outdoors~~ shall be inoculated for rabies and any outdoor animals or pets accessible to foster children shall have a current veterinary health certificate that verifies the animal's routine immunizations as required by local ordinances. The foster family shall have an approved written plan to address any indoor or outdoor animals and pets accessible to foster children to ensure their safety.

113.5(9) Toilet facilities.

b. All toilet facilities, ~~including privies~~, shall be maintained in a clean and working condition.

113.5(10) Heating plant. The heating plant shall have a capacity to maintain a temperature of approximately 65 degrees Fahrenheit at a point 24 inches from the floor during the day in severe weather. Bedrooms shall maintain a temperature of approximately 65 degrees Fahrenheit with the door closed. Gas-fired space heaters, other stoves, fireplaces and water heaters shall be vented to the outside atmosphere. Kerosene heaters shall not be used to heat any space in the home.

Item 8. Amend rule **441—113.5** by adding new subsections **113.5(12)**, **113.5(13)**, **113.5(14)**, **113.5(15)** as follows:

113.5(12) Weapons. All weapons, firearms, and ammunition shall be inaccessible to a child of any age. Weapons and firearms shall be maintained in a separate locked place, such as a gun case. Ammunition shall be maintained in a locked place separate from the weapons and firearms. Foster parents employed in law enforcement and required to carry a firearm shall sign the fire arms exception.

113.5(13) Medication. All prescription and over-the-counter medication shall be kept in a locked storage area out of the reach of children. All over-the-counter medication shall be administered by label directions or as directed by a physician. All prescribed medication shall be administered as prescribed by a qualified medical professional and documented in a medication log.

113.5(14) CPR and First Aid. Before licensure, foster parents shall receive certification in infant and child first aid that includes management of a blocked airway and mouth-to-mouth resuscitation, and certification in cardiopulmonary resuscitation. Foster parents shall be re-certified for CPR every two years, and be re-certified for First Aid every three years. Foster parents shall maintain a valid certificate indicating the date of training and expiration. The training shall be provided by a nationally recognized training organization, such as the American Red Cross, the American Heart Association, the National Safety Council, or Emergency Medical Planning (Medic First Aid), or an equivalent trainer and with curriculum approved by the department. On-line FCAC CPR and First Aid training on the www.fosterparents.com website is not approved by the department. CPR and First Aid trainings do not count towards the six hours of required in-service training.

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113.5(15) Smoking. Smoking shall be prohibited in the foster home or any vehicle when the foster child is present. The department shall not place a child with asthma or other respiratory health issues in a foster parent home where any member of the household smokes.

Item 9. Amend rule **441—113.6**

Amend subrule **113.6(4)** add new paragraph “f”.

441—113.6(237) Sanitation, water, and waste disposal.

113.6(4) Private water supply.

f. Annual testing of the water may be waived after three consecutive years when the family has made ongoing alternative arrangements for the use of safe, potable water.

Item 10. Amend rule **441—113.7** as follows:

Amend subrules **113.7(1)** paragraphs “a”, “b” subsections (1), and (2), add new paragraph “d”, **113.7(2)**, **113.7(3)**, add new paragraph **113.7(4)** subparagraphs “a”, “b”, “c”, “d” as follows:

441—113.7(237) Fire safety.

113.7(1) Fire protection. Any floor of a house, including the basement, used for the sleeping of foster children shall be equipped with ~~at least one of~~ the following:

a. A working UL-approved smoke detector.

b. A window exit providing the window exit meets all of the following criteria:

(1) The window is large enough to allow the foster child to pass easily through it. The window minimum opening height is at least 24 inches, width of at least 20 inches, and a finished sill height of not more than 44 inches above the floor.

(2) Provisions are made to ensure that the foster child can easily reach, open and climb through the window.

(3) Provisions are made to ensure that the foster child can safely reach the ground from the window. ~~This may include the need for secure steps or stairs.~~

d. Each floor of the home shall have unrestricted hallways, a minimum of one unexpired, operable 2A 10BC or ABC rated fire extinguisher. On each sleeping floor, at least one carbon monoxide detector shall be installed and maintained according to manufacturer instructions.

113.7(2) Combustible materials. Combustible materials shall be kept away from furnaces, stoves, ~~or~~ water and space heaters. A safety barrier shall surround any heating stove or heating element in order to prevent burns.

113.7(3) Safety plan. The family shall have a safety plan to be used in case of fire, tornado, flood, medical issue, accidents or blizzard, other natural or man-made disasters, and other life-threatening situations for children in out-of-home placements. Safety plans should be practiced through out the year with the children and documented for fire and tornado. Foster parents shall notify the department within 24 to 48 hours after they

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evacuate their home in any of the life-threatening situations and the address of their temporary residence and telephone number.

113.7(4) Safety issues when transporting foster children.

a. Foster parents shall have a valid Iowa driver's license and adequate motor vehicle insurance when they transport foster children in a motor vehicle.

b. Foster parents shall ensure that appropriate child safety restraints, per Iowa law, are used for all foster children when transporting them in a motor vehicle.

c. Any motor vehicles used to transport foster children shall not contain a loaded gun and any ammunition in the vehicle shall be kept in a separate, locked container.

d. Any motor vehicles used to transport foster children shall be smoke free when foster children are being transported.

Item 11. Amend rule **441—113.8(237)** as follows (moved to 441—117):

Rescind and reserve subrules **441—113.8(1), 113.8(2), 113.8(3), 113.8(4)**

441—113.8(237) Foster parent training.

All foster parents shall have orientation and preservice training pursuant to rule 441—117.2(237) prior to licensure and the placement of a child in foster care in their home. Orientation is provided prior to preservice training and licensure, but it shall not count towards the required 30 hours of preservice training. All licensed foster parents shall complete six hours of in-service training pursuant to 441—117.8.

~~**113.8(1) Required preservice training.**~~

~~a. Applicants shall complete PS-MAPP training before receiving a license for the first time.~~

~~b. Applicants shall retake PS-MAPP if the licensing process is not completed within 24 months after PS-MAPP is initially completed.~~

~~c. The department may waive the PS-MAPP training requirement in whole or part when the department finds that:~~

- ~~(1) The applicant has completed relevant training or has a combination of relevant training and experience, that is an acceptable equivalent to all or a portion of the required preservice training; or~~
- ~~(2) There is good cause for the waiver based upon the circumstances of the child and the applicant.~~

~~**113.8(2) Required preplacement orientation.** All foster parents shall have orientation pursuant to rule 441—117.2(237) prior to the placement of a child in foster care in their home. Orientation may be provided prior to licensure, but it shall not count towards the required 12 hours of preservice training.~~

~~**113.8(3) Required in-service training.**~~

~~a. Amount of training. Each individual foster parent shall complete six credit hours of approved in-service training. The training shall meet the requirements of rule 441—117.7(237) and this rule and training needs.~~

~~b. Rescinded IAB 8/9/89, effective 10/1/89.~~

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~~—c. Documentation. Each individual foster parent shall submit the following to the family's licensing worker within 30 days of the completion of the training and prior to the expiration date of the license:~~

~~—(1) Title of training, or description of content.~~

~~—(2) Name of training provider.~~

~~—(3) Date(s) of training.~~

~~—(4) Number of hours.~~

~~—(5) Form 470-2540, Foster Parent Training Report, or its equivalent.~~

~~—113.8(4) Required training in universal precautions. Before licensure, each individual foster parent shall complete one hour of training related to the use and practice of universal precautions. Training shall be completed through the approved individual self-study course, "Universal Precautions in Foster and Adoptive Family Homes."~~

Item 12. Amend rule **441—113.9(237)** as follows:

Amend subrule **113.9(1)** as follows:

441—113.9(237) Policy for involvement of biological or adoptive parents.

113.9(1) Acceptance by foster parents. Foster parents providing family foster care shall ~~accept~~ support the involvement of biological or adoptive parents and other relatives of the child unless this involvement is evaluated and documented by the department or supervising agency to be detrimental to the child's well-being.

Item 13. Amend rule **441—113.10(237)** as follows:

Amend subrules **113.10(1)** and delete **113.10(1) 113.10(2), 113.10(3)** add new **113.10(4)** as follows:

441—113.10(237) Information on the foster child.

See 441—202 for foster child information to be provided to the foster family.

~~—113.10(1) Initial information. The following information shall be provided to the foster family at the time of a child's placement.~~

~~—a. The child's full name, birth date, and date of acceptance for care.~~

~~—b. Name and addresses of significant relatives of the child, including parents, grandparents, brothers and sisters, aunts and uncles, and any other significant persons. In case of adoption, these shall be adoptive parents and adoptive relatives.~~

~~—c. The name, address, and telephone number of the child's physician, parents or guardian, and the supervising agency.~~

~~—d. Information about immunizations received by children under their care, physical limitations, medical recommendations, including specific information about the child's opportunistic infections and HIV care needs, and any allergies. Prior to releasing specific information about HIV, the department shall use Form 470-3225, Authorization to Release HIV-Related Information, to obtain a release from the child or the child's parent or guardian, or a court order permitting the release of the information. Form 470-3227,~~

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~~Receipt of HIV-Related Information, shall be completed by the person receiving this information to document understanding of the confidentiality of this knowledge.~~

~~—e. A medical authorization.~~

~~—f. A placement agreement signed by the child's parent(s) or guardian and the foster parent(s) when the child's parent(s) or guardian have placed the child privately; or a placement agreement for the specific child in placement signed by the foster parent(s) and the agency when placement is made by an agency.~~

113.10(2) *Additional Foster child information.* For foster children under the custody or guardianship of the department, foster parents shall maintain confidentiality regarding the child, comply with rules as mandatory reporters of child abuse, and maintain a written record of necessary information on the child in care. The following information shall be maintained by foster parents in a folder on foster children placed in the foster family home and provided to the supervising agency, parent or guardian, when the child leaves the placement:

a. Names and addresses of doctors and dentist who have treated the child and the type of treatment received while in the foster home.

d. Name and address and telephone number of the person to whom the child is discharged.

When the child reaches the age of majority under state law, a free copy of the child's health and education records shall be provided by the department to the child at the time the child exits foster care.

~~—113.10(3) *Maintenance of records.* All of the information listed in 113.10(1) and 113.10(2) shall be kept in a notebook or folder and be provided to the supervising agency when the child leaves the foster care placement.~~

113.10(4) *Internet.* Foster parents shall not post pictures or information concerning a foster child on any internet web site.

Item 14. Amend rule **441—113.11** as follows:

Amend subrules **113.11(1), 113.11(2), 113.11(3)** as follows:

441—113.11(237) Health of foster family.

113.11(1) *Prior to initial licensure.* The foster parents shall furnish the licensing agency with a health report on the family completed no more than six months prior to the application for licensure. The report shall include information on all family members. An updated health report shall be completed and submitted to the licensing agency annually.

113.11(2) *Contents of report.* This report shall include a statement from the health practitioner that there are no physical or mental health problems which would be a hazard to foster children placed in the home, and a statement that the foster parents' health would not prevent needed care from being ~~furnished~~ provided to the ~~foster~~ child.

113.11(3) *Capability for caring for the child.* If there is evidence that the foster parent is unable to provide necessary care for the child, the Department licensing worker or the recruitment and retention contract worker or the physician may require additional medical and mental health reports.

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Item 15. Amend rule 441—113.12(237)

Amend subrules 113.12(1) paragraphs “a”, 113.12(5) “e” and add new paragraph “i”, 113.12(6) add new 113.12(7) as follows:

441—113.12(237) Characteristics of foster parents.

113.12(1) *Age.*

a Foster parents shall be at least ~~18~~ 21 years of age.

113.12(5) *Personal characteristics.* The foster parents shall:

d. Be able to accept and deal with acting out behavior with realistic expectations and good judgment in dealing with problem behaviors.

e. ~~Treat foster children in a manner similar to natural or adoptive~~ Include children in the home as far as participation in normal family life is concerned.

g. Be able to separate from the foster child and ~~not hamper return to the natural home~~ support the reunification of the child with their parents.

i. Be willing to cooperate with visitation, transportation, or other activities that support the Family Case Plan and the child’s connection and reunification with their family.

113.12(6) *Determination of characteristics.* The areas discussed in 113.12(4) ~~and 113.12(5)~~ shall be explored through observation of the family and interviews with family members and documented in a foster home study, using the PS-MAPP family profile format and form RC-0025 Home Study Summary and Recommendation Outline.

113.12(7) *Family home study.* The family home study shall be completed by the worker for the recruitment and retention contractor. If a licensed foster parent wants to be an approved adoptive family, a new home study is not required. An adoption home study update shall be completed.

a. Family assessment. The family assessment shall include a minimum of two face-to-face interviews with the applicants and at least one face-to-face interview with each member of the household. At least one of the interviews shall take place at the applicant’s home. The assessment of the prospective family shall include an evaluation of the family’s ability to parent a special needs child or children including the following:

(1) Motivation for foster care and whether the family has biological, adopted or foster children.

(2) The attitude of the family and the extended family toward accepting a foster child.

(3) Emotional stability, assessment of the marital relationship and history, including verification of marriages and divorces, family relationships and compatibility.

(4) Ability to cope with problems, stress, frustrations, crisis, separation, and loss.

(5) Medical, mental and emotional conditions that may affect the applicant’s ability to parent a child, treatment history, current status of treatment and the evaluation of the treatment.

(6) Willingness to accept a child who has medical problems (such as a child who is at risk of, or is HIV positive), mental retardation, or emotional or behavioral problems.

(7) Ability to provide for the child’s physical, medical and emotional needs and respect the child’s ethnic and religious identity.

(8) Adjustment of any children in the home, including their attitudes toward foster care and adoption, relationships with others, and school performance.

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- (9) Assessment of disciplinary techniques and practices used.
- (10) Statements from three references provided by the family and a minimum of three additional references.
- (11) Financial information, and their ability to provide for a child.
- (12) Attitudes of the applicants toward the birth parents and the child's siblings.
- (13) Commitment to and capacity to maintain significant relationships, and working with the child's parents when the permanency goal is reunification.
- (14) Substance use or abuse, if any, by family members, or members of the household, treatment history, current status of treatment.
- (15) Address any history of abuse, if any, by family members, or members of the household, treatment history, current status of treatment and how would this address their ability to be a foster parent.
- (16) Criminal convictions, if any, by family members, or adults in the household, and the evaluation of the criminal record.
- (17) Recommendation for the number, age, sex, characteristics, and special needs of a child or children the family can best parent, and any other pertinent information in making the licensing recommendation.
- b. Written report. The recruitment and retention contract worker shall prepare a written report of the family assessment, known as the foster family home study, using the PS-MAPP family profile format and RC-0025 Home Study Summary and Recommendation Outline.
- The department worker shall use the home study to approve or deny a prospective family as an appropriate placement for a child or children.
- The department worker shall notify the family of the decision using Form 470-0709, Notice of Action: Foster Family Home, and, if the department worker does not approve the home study, shall state the reasons on the notice.

Item 16. Amend rule **441—113.14(237) Reference checks.**

Amend subrule **113.14(1)** as follows:

113.14(1) At least three additional unsolicited references shall be checked for all foster family home applicants in addition to ~~the~~ a minimum of three references provided by the applicant.

Item 17. Amend rule **441—113.15(237)** as follows:

Amend subrules **113.15(1), (2) “a” through “c”, “f”, “g”, new “h to k”, (3), (4), (5) “a”, “b”, “c”, (6)**

441—113.15(237) Unannounced visits.

113.15(1) The annual unannounced visits ~~shall occur~~ shall occur by the department's recruitment and retention contractor shall occur during periods of the day when the child and foster parents would normally be at home and awake, unless there has been a specific complaint about the family and care of the child. Unannounced visits should be completed by the seventh month of licensure and shall not be waived. Visits shall not occur in conjunction with licensure renewal.

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113.15(2) The unannounced visit ~~may~~ shall include, but is not limited to, assessment of the following areas:

- ~~a. Cleanliness of the home~~ Home environment.
- ~~b. Cleanliness and appropriateness of the child's clothing~~ Who was present at the time of the visit.
- ~~c. Interaction between the foster child and foster family and their children.~~
- ~~f. Any previously or current cited deficiencies, corrective action plans and progress.~~
- ~~g. Recommended action.~~ Any previous or current concerns from department workers.
- ~~h. Discussion of placements this year, and if none, why.~~
- ~~i. Progress on completing training in their training plan.~~
- ~~j. Awareness of their license capacity and compliance.~~
- ~~k. Recommended action.~~

Item 18. Rescind **113.15(3)** ~~Impressions of the unannounced visit shall be shared with foster parents.~~

113.15(4) ~~A written report~~ The unannounced visit shall be documented on the Unannounced Visit Report, Form 470-4512, summarizing the visit and shall be sent to the department licensing worker and foster parents within two weeks after the visit.

113.15(5) Actions after the unannounced visit.

a. When deficiencies are cited that do not appear likely to cause immediate physical or mental harm to the child, an additional visit may be scheduled. The department and recruitment and retention worker shall discuss the deficiencies and suggestions for improving the deficiencies with the foster parents.

b. When the reported deficiencies raise questions of concern as to the quality of care provided, the department's recruitment and retention licensing worker shall report to the placement worker, and the department's licensing worker, suggesting a meeting with foster parents to discuss deficiencies and suggestions for improving the deficiencies, and following. At the meeting with the foster parents to discuss the deficiencies, the department's licensing worker in consultation with the recruitment and retention licensing worker, shall obtain complete a corrective action plan to address the deficiencies from with the foster parents. as to how the foster parents intend to correct the deficiencies.

c. When the reported deficiencies appear likely to cause immediate physical or mental harm to the child, the service area manager or designee immediately shall:

113.15(6) When the foster parents refuse to make a written commitment to improve the deficiencies, the department's licensing worker shall ~~do~~ conduct a complete review of the foster home to determine if the license should be revoked according to rule 441—112.6(237).

Item 19. Amend rule **441—113.16(237)** as follows:
Amend subrules **113.16(1), (2), (3), (4), (6)**

113.16(3) *Educational opportunity.* Every foster child shall be given the opportunity to complete high school or vocational training in accordance with the ~~child's aptitude~~

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department's case permanency plan. The foster parent shall be an advocate for the foster child by working with the foster child's school.

113.16(4) *Religious training. Religion and culture.* Each child shall be given an opportunity for religious training to participate in their culture and religion in consultation with the child's parents. ~~Whenever practicable, the child shall be placed with foster parents of the child's own religious faith, or in accordance with the wishes of the biological or adoptive parents.~~ Children shall not be required to participate in religious training or observances contrary to the wishes of the biological, adoptive family, or religious beliefs of the child.

113.16(6) *Work assignments.* Work assignments shall be in keeping with the ~~total healthy child's age and development of the child.~~

Item 20. Amend rule **441—113.17(237)** as follows:

Amend subrule **113.17(2)** as follows:

113.17(2) *Medical, vision, hearing, and dental supervision.* Each child shall ~~be under~~ receive regular medical, vision and hearing exams, and dental supervision. Foster parents shall keep the ~~supervising agency department~~ supervising agency department informed of any health problems and provide a copy of the child's exams to the department caseworker. In case of sickness or accident, immediate medical care shall be secured for the child in accordance with the supervising agency's or the department's worker providing directions given at the time of placement.

Item 21. Amend rule **441—113.18(237)** as follows:

Amend subrule **113.18(1), 113.18(2)** as follows:

441—113.18(237) Training and discipline of foster children.

113.18(1) *Foster parents' methods of training and discipline.* The evaluation of the foster parent shall include a discussion and written report of the foster parents' methods of training and discipline. Discipline shall be designed to help the child develop self-control, self-esteem, and respect for the rights of others.

113.18(2) *Restrictions on training and discipline.* Child training and discipline shall be handled with kindness and understanding. Children shall not be locked in a room, closet, box or other device. No child shall be deprived of food as punishment. No child shall be subjected to verbal abuse, threats or derogatory remarks about the child or the child's family. The Use of corporal punishment is prohibited. Restraints shall not be used as a form of discipline. Reasonable physical force may only be used to restrain a child in order to prevent injury to the child, injury to others, or the destruction of property, ~~or extremely disruptive behavior.~~ The foster parent shall receive training that has been approved as a part of the treatment plan by the Licensed Practitioner of the Healing Arts, physician, psychologist or psychiatrist working with the child on the safe and appropriate use of restraints.

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Item 22. Amend rule **441—113.19** as follows:

Amend subrule **113.19(1)** as follows:

441—113.19(237) Emergency care and release of children.

113.19(1) *Supervision and arrangements for emergency care.* Foster parents shall provide supervision of foster children and children in pre-adoptive placement as dictated by the individual child's specific needs and in agreement with the supervising agency. Supervision includes monitoring of the foster children while they are using the internet and hazardous items. In case of emergency requiring the foster parents' temporary absence from the home, arrangements shall be made with licensed foster parents or designated, responsible persons for the care of the children during the period of absence. The department's caseworker shall be notified of all emergency absences from the foster parents' home.

Item 23. Amend rule **441—113.20(237)** as follows:

441—113.20(237) Changes in foster family home. Foster parents shall notify the department and the department's recruitment and retention contractor agency within 30 seven working days of any change in the number of persons living in or moving out of the home or of a move to a new home, or of any circumstances in the home negatively impacting the health, safety or welfare of a child in their care.

Item 24. Amend rule **441—117(237)** Title and preamble as follows:

FOSTER PARENT-TRAINING PREAMBLE

These rules describe required foster parent orientation, preservice training and ~~preplacement orientation~~ in-service training. Their purpose is to ensure that the training and orientation is effective in preparing foster parents for their role.

Item 25. Amend rule **441—117.1**

Amend subrules **117.1(1), 117.1 (2)** as follows:

441—117.1(237) Required preservice training.

117.1(1) *Providers of preservice training.* The required foster parent preservice training program shall be offered by the department or by a licensed child-placing agency with a training program that has been approved by the department. Each individual foster parent shall complete an entire 30 hours of the "Partnering for Safety and Permanence: Model Approach to Partnership in Parenting" (PS-MAPP) which is approved pursuant to rule 441—117.5(237).

a. Applicants shall complete PS-MAPP training before receiving a license for the first time.

b. Applicants shall retake PS-MAPP if the licensing process is not completed within 24 months after PS-MAPP is initially commenced.

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c. The department may waive the PS-MAPP training requirement in whole or part when the department finds that:

(1) The applicant has completed relevant training or has a combination of relevant training and experience, that is an acceptable equivalent to all or a portion of the required preservice training; or

(2) There is good cause for the waiver based upon the circumstances of the child and the applicant.

117.1(2) Preservice training program approval requirements:

a. Content. The program shall be designed to assist prospective foster parents in developing the understanding and abilities that are essential to promote children's safety, permanence and well-being. ~~the philosophy and goals of foster care and the skills required of a foster parent.~~ The program shall address the following topics:

b. Length. The entire PS-MAPP program shall total at least 30 hours of contact between leaders and participants.

The department's recruitment and retention contractor ~~and each licensed child-placing agency~~ offering the mandatory 30 hours of PSMAPP training, shall devise a procedure for parents to make up any portions of training which are missed.

d. Group method. The program shall be provided in groups that consist of six or more persons. The training shall be offered to a foster family individually only when the foster family is unable to attend group training for reasons such as serious medical conditions, as approved by the service area manager or designee.

g. Training records. A record of the prospective foster parents who begin and complete the training and of the training program evaluations shall be submitted to the department office as part of the licensing packet, for the location in which the training was provided at the end of each 30-hour PS-MAPP session.

Item 26. Amend rule **441—117.2** as follows:

Amend subrules **117.2(1),(2),(3),(4)** as follows:

441—117.2(237) Required ~~preplacement~~ orientation.

117. 2(1) All foster parents shall have orientation prior to the placement of a foster child ~~in foster care~~ in their home. Orientation shall be provided prior to attending PS-MAPP training and licensure, but it shall not count towards the required 30 hours of preservice training.

117. 2(4) (2) *Method of provision.* The orientation delivered by the recruitment and retention contractor may be provided in an individual meeting ~~of that includes the their~~ worker with one set of foster parents or in a group setting.

117. 2(2) (3) *Provider.* Orientation shall be provided by the ~~department or licensed child-placing agency~~ recruitment and retention contractor completing the family licensing study. ~~The agency intending to place children in foster care in the home shall review the orientation with the foster parent prior to placement.~~

117. 2(3) (4) *Content.* Orientation shall be designed to ~~acquaint~~ provide the foster parent with information on the policies and procedures of the foster care and adoption programs, and shall include the following:

c. Foster family & reimbursement information and adoption subsidy information if applicable.

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Item 27. Amend rule 441—117.3

Amend subrules 117.3(1) 117.3(2),(3),(4),(5) as follows:

441—117.3(237) In-service training ~~A application materials.~~ Applications shall be submitted on Form 470—2541 Foster Parent Training Application, at least 35 days prior to the training. ~~Applications submitted after a training is completed shall not be approved.~~ Applications shall be submitted with the following materials:

117.3(1) A detailed training program description relative to a foster parent, including objectives, program agenda, content, participant materials and time frames. ~~or a statement that the Child Welfare Institute “Partnering for Safety and Permanence: Model Approach to Partnership in Parenting (PS-MAPP), as described in paragraph 117.1(2) “a,” will be the in-service program taught.~~

117.3(2) Names of program instructors, and their qualifications to provide the training.

117.3(3) ~~Rescinded IAB 8/9/89, effective 10/1/89. Except for CPR and First Aid, foster parent in-service training shall meet the requirements in 117.7.~~

~~117.3(4) Rescinded IAB 8/9/89, effective 10/1/89.~~

~~117.3(5) A sample of the evaluation tool to be used (for preservice training only).~~

Item 28. Amend rule 441—117.4

Amend subrules 117.4(1),(2) as follows:

441—117.4(237) Application process for in-service training.

117.4(1) *Group training.* Applications to provide group foster parent training shall be submitted to the department office for the service area in which the training will be conducted or when the service area elects to have the applications sent to the Family Foster Care Program Manager in central office.

117.4(2) *Individual training.* Applications for approval for individual training, college credit, written materials, DVDs or movies or videotapes shall be submitted to the department office for the service area in which the foster family resides or the service area may elect to have the applications sent to the Family Foster Care Program Manager in the department’s central office for review.

Item 29. Amend rule 441—117.5 as follows:

Amend subrules 117.5(1), 117.5(2), as follows:

117.5(1) *Approval.* Foster parent training programs which meet the criteria in rule 441—117.1(237) or in rule 441—117.7(237), and which are submitted pursuant to rules 441—117.3(237) and 441—117.4(237) shall be approved by the department. In-service training completed prior to approval by the service area or central office shall not count toward the required six credit hours of in-service training.

~~—117.5(2) Rescinded IAB 8/9/89, effective 10/1/89.~~

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Item 30. Amend rule ~~441—117.6~~ as follows:

441—117.6(237) Application conference available. If an applicant or provider of training objects in writing within seven days after the notification of the department's decision to deny ~~or revoke~~ approval, the ~~service area manager~~ foster family care program manager shall review the decision to determine if the original decision shall stand.

The decision of the ~~service area manager~~ foster family care program manager is final and is not subject to an appeal.

Item 31. Amend rule ~~441—117.7~~

Amend subrules ~~117.7(1)~~ to add “a”, “b”, “c”, ~~(2)~~, ~~117.7(2)~~ as follows:

441—117.7(237) Required in-service training.

117.7(1) Providers of in-service training. Foster parent in-service training may be provided by the department, a licensed child-placing or child-caring agency, or an agency, institution, or association with expertise in any of the content areas in subrule 117.7(2), paragraph “~~a.~~” “b.” Agencies, institutions, or associations wishing to have a parent in-service training program or workshop approved shall submit application materials pursuant to rules 441—117.3(237) and 441—117.4 (237).

a. Amount of training. Each individual foster parent shall complete six credit hours of in-service training per training cycle that has the department's prior approval. The first training cycle will be from the effective date of the license to 60 days prior to the expiration of the license. Subsequent training cycles will be from the last date of the previous training cycle to 60 days prior to the expiration of the license. In collaboration with the department licensing worker, the in-service training shall be based on an assessment by the foster parent and the recruitment and retention contractor licensing worker for meeting the foster parent's training needs. At least three credit hours of the training shall be group training. Except for the mandatory reporter class, training credit will not apply or be issued for any in-service training class that is repeated.

b. Documentation. Each individual foster parent shall submit Form 470-2540, Foster Parent Training Report to the recruitment and retention contractor for each training, within 30 days after completion of the training and 60 days prior to the expiration date of the license.

c. Failure to meet the requirement for in-service training hours will result in denial of the license renewal.

117.7(2) In-service training program approval requirements:

a. Annual training plan. All foster families shall have an annual training plan.

b. Content. The program shall relate to the foster parent's role in providing foster care and the skills needed by a foster parent. Training hours must be pre-approved by the department licensing worker or the Family Foster Care Program Manager based upon the training plan approved by the department and recruitment and retention contractor licensing workers. Training shall be specific to each foster parent's needs and address one or more of the following topics:

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Behavioral and mental health disorders

~~Cardiopulmonary resuscitation (CPR) or first aid.~~

Child development and behavior management.

Childhood trauma

~~Communication.~~

~~Conflict resolution in the family.~~

~~Discipline strategies and behavior management.~~

~~Educational needs of all children in foster care and working with the educational system.~~

~~Emotional and mental health needs of children and working with the mental health system.~~

~~Family dynamics.~~

Family team meetings and permanency planning

~~Identification, utilization and role of support systems.~~

~~Independent~~ Transitional living skill training.

Internet use by foster children and resource parents

Juvenile court process and participation in juvenile court hearings.

Knowledge and skills in using treatment interventions

~~Medical management for children.~~

~~Mental retardation and developmental disabilities in childhood.~~

~~Parenting.~~

~~Participation in juvenile court hearings.~~

~~Participation in foster care reviews.~~

~~Passive restraint of children.~~

~~Permanency planning.~~

~~Physical disabilities in children.~~

~~Physical therapy with children.~~

Resource (foster) parent mentoring of the foster child's parents

Resource (foster) parent roles and responsibilities.

Resource (foster) parent support of the foster child's sibling relationships, and connections to culture,

community, and faith

~~Self-care skill training with children.~~

Separation, loss and attachment.

~~Sexuality of children.~~

Skills necessary to work with special needs children.

Special medical conditions (i.e. H.I.V, diabetes)

Teamwork and team approach to permanency foster care case planning.

Treatment planning, implementation, and documentation.

~~Use of community resources for children and families.~~

Working with the birth family.

Working with the educational system in regards to the foster child.

~~b. c. Method.~~ The training shall be provided through one or more of the following methods:

(4) ~~Movies~~ DVD's or videotapes.

(5) Internet training classes offered through IFAPA or www.fosterparent.com.

~~c. d~~ Credit hours. Credit hours for approved training shall be as follows:

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(3) ~~Movies DVD's, IFAPA internet training classes~~ or videotapes shall receive one credit hour for each two program hours.

~~(5) Self Instructional Pieces shall receive one credit hour per piece.~~

d. e. Approved training. The following training programs shall be considered as meeting the in-service training requirements:

~~(4) Self Instructional Piece Series (SIPS) published by American Foster Care Resources, Inc.~~

(5) Maximum of three hour training credit every twelve months through the website www.fosterparents.com. The website classes cannot be repeated for training credit. On-line FCAC CPR and First Aid training on www.fosterparents.com is not approved by the department.

Item 32. Add new rule **441—117.8**

Add new subrules **117.8(1), (2), (3), (4)** as follows:

441—117.8 Required training in universal precautions, medication management, CPR and First Aid.

117.8(1) Universal precautions. Before licensure, each individual resource parent shall complete one hour of training related to the use and practice of universal precautions. Training shall be completed through the approved individual self-study course, “Universal Precautions in Foster and Adoptive Resource Family Homes”.

117.8(2) Medication management. Before licensure, each individual foster parent shall complete one hour of training related to the use and practice of medication management. Training shall be completed through the approved individual self-study course, “Medication Management”.

117.8(3) Cardiopulmonary resuscitation(CPR). Before licensure, foster parents shall complete CPR training for infants and children and be re-certified every two years and shall maintain a valid certificate indicating the date of training and expiration. The training shall be provided by a nationally recognized training organization, such as the American Red Cross, the American Heart Association, the National Safety Council, or Emergency Medical Planning (Medic First Aid), or an equivalent trainer and with curriculum approved by the department.

117.8(4) First aid. Before licensure, foster parents shall complete first aid training to be able to respond to the emergency care and treatment of a child in their care and be re-certified every three years and shall maintain a valid certificate indicating the date of training and expiration.

Item 33. Add new rule **441—117.9** as follows:

Add new subrules **117.9** and **117.10** and subparagraphs **117.9(1), (2), (3), (4)a, b, c, 117.10(1) a, b, (2), (3) a, b, (4) a, b, (5) a, b** as follows:

441—117.9(237) Foster parent training expenses.

117.9(1) Preservice training and orientation. Each prospective foster family who completes the required preservice training program for providing foster care and is issued

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a foster home license shall receive a \$100 stipend from the department's recruitment and retention contractor to be used for their annual in-service training. The stipend shall be issued on or after the date that the license is issued. No expense stipend is provided for orientation.

117.9(2) Foster parent and social worker trainers. Foster parents and social workers who serve as trainers for approved preservice training programs shall each be paid a contract fee per class hour appropriate to community standards based upon the education and experience of each trainer. These rates shall be negotiated between the entity that contracts with the department and the trainer.

117.9(3) In-service training. Each licensed foster family who completes the in-service training requirement shall receive a \$100 stipend per foster family home from the department's recruitment and retention contractor when the family's license is renewed, for per diem expenses related to meeting the in-service training requirement. Foster families who elect not to receive the \$100 stipend shall notify the department.

441—117.10(232) Mandatory reporting of child abuse.

117.10(1) Mandatory reports reporters. Any licensed foster parent providing child foster care.

117.10(2) Required training. Within one year of becoming a mandatory reporter, and every five years thereafter, any person required to make a report under subrule 112.10(1) shall complete two hours of approved mandatory reporter training relating to the identification and reporting of child abuse.

117.10(3) Training provider.

a. If the foster care provider is employed by a licensed child foster care facility, the employer shall be responsible for providing the required mandatory reporter training in child abuse identification and reporting.

b. If the foster care provider is a licensed foster parent, the foster parent shall be responsible for obtaining the required two hour mandatory reporter training in child abuse identification and reporting as part of a continuing education program required under Iowa Code chapter 272C and 232.69, or from any of the following: the department of human services, the department of education, the department of public health (http://www.idph.state.ia.us/bh/abuse_ed_review.asp), an area education agency, a school district, the Iowa law enforcement academy, or a similar public agency.

117.10(4) Training content.

a. Training in child abuse identification as identified by Iowa Code 232.68.

b. Mandatory reporter training for child abuse shall include reporting requirements and procedures.

117.10(5) Training documentation.

If the foster care provider is a licensed foster parent, the foster parent shall be responsible for securing documentation of the training content, amount, and provider, and shall forward the documentation to the recruitment and retention contractor who will provide the documentation to the service area office for inclusion in the licensing file.

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Item 34. Amend 441—156 Chapter name as follows:

CHAPTER 156 PAYMENTS FOR FOSTER CARE ~~AND FOSTER PARENT TRAINING~~

Item 35. Amend rule ~~441—156~~**(234)** as follows:

Amend subrule ~~156.1~~**(234)** definitions of “Foster family care”, “Mental health professional”, “Physician”, “Special needs child” and deleting definitions “Basic family foster care”, “Emergency foster family care”, “Family foster care supervision”, “Mental retardation professional”, “Personal allowance”, “Substance abuse treatment supervisor”, adding new definition “Qualified mental retardation professional”:

~~“Basic family foster care” means the 24-hour care and supervision of a child provided by a licensed foster family. It includes the provision of food, lodging, clothing, shelter, support, ordinary transportation, recreation, and training which is appropriate for the child’s age, mental, and physical capacity. It also includes assisting and contributing to the creation and updating of a child’s life book and personal history, as well as assisting the child in maintaining cultural and ethnic connections.~~

~~“Emergency foster family care” means a foster care placement in a licensed foster home in which the family is willing to accept children with less than 24-hour notice. These placements are intended to be limited to 30 days or less, although some placements may extend longer. The emergency maintenance payment is based on the schedule found in rule 441—156.11(234).~~

~~“Family foster care supervision” means the support, assistance, and oversight provided by department or private agency caseworkers to children in family foster care which is directed toward achievement of the child’s permanency plan goals.~~

~~“Foster family care” means foster care~~ 24-hour care and supervision of a child provided by a licensed family in a single family living unit licensed by the department according to 441—Chapter 113 or licensed or approved by the state in which it is located. The care includes the provision of food, lodging, clothing, shelter, support, transportation, recreation, and training which is appropriate for the child’s age, mental, and physical capacity.

~~“Mental health professional” means the same as defined in rule 441—24.61(225C,230A).~~

~~“Mental retardation professional” means the same as defined in the department of inspections and appeals subrule 481—57.1(15).~~

~~“Personal allowance” means the family investment program schedule of living costs for the areas of food, clothing, personal care and supplies, medicine chest items and communications as defined in 441—subrules 41.8(2) and 41.28(2).~~

~~“Physician” means a licensed medical or osteopathic doctor as defined in rule 441—77.1(249A 148).~~

“Qualified mental retardation professional” means a psychologist, physician, registered nurse, educator, social worker, physical or occupational therapist, speech therapist or audiologist who meets the educational requirements for the profession, as required in the state of Iowa, and having one year’s experience working with the mentally retarded pursuant to 481—57.1(15)

~~“Special needs child” means a child with one or more of the following conditions:~~

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5. The child has been diagnosed by a qualified medical professional, or mental health professional; ~~or substance abuse treatment supervisor~~ as having a substance abuse problem.

~~6. The child is an unaccompanied refugee minor.~~

~~7. The child has been adjudicated delinquent.~~

~~8. The child has been diagnosed as HIV-infected or has had an HIV-positive test result by a qualified medical professional.~~

~~“Substance abuse treatment supervisor” means the same as defined in the substance abuse commission rule 643—3.1(125) as treatment supervisor.~~

Item 36. Amend rule **441—156.6(234)** as follows:

Amend subrule **156.6(5)** as follows:

441—156.6(234) Rate of maintenance payment for foster family care.

156.6(5) *Payment method.* All maintenance payments to foster families providing foster care and supervised by the department or a licensed private child caring agency shall be made directly to the foster family by the department.

Item 37. Add new subrule **441—156.6(7)(234)** as follows:

156.6(7) *Return of overpayments.* When a foster family has received payments in excess of those allowed pursuant to 441-156, the foster family case worker shall ask the foster family to make repayment of the over payment. If the foster family is returning the over payment to the department, the case worker will note the monthly amount the foster family agrees to pay in their case file. The monthly repayment amount shall not be less than \$50.

Item 38. Rescind rule **441—156.7(234) Purchase of family foster care services.**

Item 39. Amend rule **441—156.8(234)** as follows:

Amend subrules **156.8(1), 156.8(6), 156.8(7), 156.8(8)** subparagraphs “b” as follows:

441—156.8(234) Special needs.

156.8(1) *Clothing allowance.*

A second clothing allowance, not to exceed \$200 for family foster care and \$100 for all other levels, may be approved, not more than once within a calendar year, by the department worker when a child in foster care needs clothing to replace lost clothing or because of unusual growth or weight change, and the child does not have sufficient escrow funds to cover.

156.8(6) *School fees.* Payment for required school fees of a child in foster family care or supervised apartment living exceeding \$5 may be authorized by the department worker

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in an amount not to exceed \$50 per calendar year if the child does not have sufficient escrow funds to cover.

156.8(7) *Respite care.* The service area manager or designee may authorize respite for a child in family foster care for up to 24 days per calendar year per placement. Respite shall be provided by a licensed foster family. The payment rate to the respite foster family shall be the rate authorized under rule 441—156.6(234) to meet the needs of the child, ~~with the exception of paragraphs 156.6(4) “b” and “c.”~~

156.8(8) *Tangible goods, child care, and ancillary services.* To the extent that a foster child’s escrow funds are not available, the service area manager or designee may authorize reimbursement to foster parents for the following:

b. Child care services when the foster parents are working, the child is not in school, and the provision of child care is identified in the child’s case permanency plan. Foster parents who provide child day care in their home and have a foster child placed in their home, shall ask for an exception to policy to allow that the foster child not be considered in their children in the home count to prevent the foster child being placed in child day care outside of their foster family home.

Item 40. Amend rule **156.10(234)** as follows:

Amend subrule **156.10(2)**, paragraph “a”, paragraph “b” “4”, paragraph “c”, paragraph “d” “3”, as follows:

156.10(2) *Foster family care.*

a. Family visits. Reserve bed payment shall be made for days a foster child is absent from the foster family home for family visits when the absence is in accord with the following:

b. Hospitalization. Reserve bed payment shall be made for days a foster child is absent from the foster family home for hospitalization when the absence is in accord with the following:

(4) If the department and the foster family agree that the return would not be in the foster child’s best interest, payment shall be canceled effective the day after the joint decision not to return the child.

c. Runaways. Reserve bed payment shall be made for days a foster child is absent from the foster family home after the child has run away when the absence is in accord with the following:

d. Preplacement visits. Reserve bed payment shall be made when a foster child is making a planned preplacement visit to another foster care placement or an adoptive placement when the absence is in accord with the following:

(3) ~~Staff from the foster family home shall be available to provide support to the child and the preplacement provider during the visit.~~

(6) ~~If services are purchased, the provider shall document the use of reserve bed days in the daily log and report the number of reserve bed days claimed in the quarterly report.~~

Item 41. Amend rule **441—156.17(234)** as follows:

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441—156.17(234) Pre-Adoptive homes. ~~Payment for foster care for a child placed in an adoptive home will only be made when the placement is made in anticipation of a subsidized adoption. The payment shall be limited to the amount anticipated for subsidy, and shall terminate when the adoption decree is granted. Payment for a foster child in a pre-adoptive home shall be limited to the amount negotiated in the Adoption Subsidy Agreement, Form 470-0749 and shall not exceed the foster care maintenance amount paid in family foster care.~~

Item 42. Rescind **441—156.18(237):**
441—156.18(237) Foster parent training expenses.

Item 43. Amend rule **441—156.20(234)** as follows:

Amend subrule **156.20(2)** as follows:

156.20(2) Provider eligibility for payment. ~~Except for payments for foster parents or youth in supervised apartment living, payment shall be limited to providers with a purchase of service contract in force. Providers of shelter care services shall have a purchase of service contract under 441—Chapter 150 in force. Providers of group care services shall have a purchase of rehabilitative treatment and supportive services contract under 441—Chapter 152 in force. Payments may be made to foster parents for children placed in licensed family foster care or to youth placed in supervised apartment living.~~

Item 44. Rescind **441—157** in its entirety (PURCHASE OF ADOPTION SERVICES)

ALTERNATIVE LIVING CHAPTER 200 ADOPTION SERVICES

Item 45. Amend rule **441—200(600)** as follows:

Amend subrule **441—200.1(600)** definitions “*foster family adoption*”, “*postadoption services*”, “*preadoptive family*”, delete “adoption work experience”, “certified adoption investigator”, add definitions “*resource family home*”, “*special needs child*” as follows:

“*Adoption work experience*” means supervised employment in adoption services which includes direct provision of adoption services, development of adoption policies, provision of training related to adoption services, oversight and review of adoption documents and activities, and direct supervision

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of adoption workers. Only the percent of time related to provision of adoption services shall be considered as adoption work experience for employment of which only a portion of time was spent on adoptions.

~~“Certified adoption investigator” means a person as defined at rule 441—107.2(600).~~

“Foster family adoption” means the adoption of a child by a licensed foster family who has cared for the child prior to the termination of the child’s parental rights.

“Postadoption services” includes those services that an adoptive family may access after the adoption is finalized. These services may be obtained through community resources, the department’s recruitment and retention contractor, or support groups, to assist the family in coping with and resolving problems within the family.

“Preadoptive family” means ~~an adoptive~~ a licensed foster family with a child placed in the home for the purpose of adoption whose adoption has not been finalized.

“Resource family home” means an individual person or married couple, who are licensed to provide foster family care or approved to provide adoption. Throughout the provision of care, the resource family shall actively ensure that the child stays connected to his/her kin, culture and community connections as documented in the child’s case permanency plan.

“Special needs child” means a child with one or more of the following conditions:

1. The child has been diagnosed by a physician to have a disability which substantially limits one or more major life activities; and requires professional treatment, assistance in self-care, or the purchase of special adaptive equipment.

2. The child has been determined by a qualified mental retardation professional to have mental retardation.

3. The child has been diagnosed by a qualified mental health professional to have a psychiatric condition which impairs the child’s mental, intellectual, or social functioning.

4. The child has been diagnosed by a qualified mental health professional to have a behavioral or emotional disorder characterized by situational inappropriate behavior, which deviates substantially from behavior appropriate to the child’s age or which significantly interferes with the child’s intellectual, social, or personal adjustment.

5. The child has been diagnosed by a qualified medical professional, or mental health professional; as having a substance abuse problem.

Item 46. Amend rule **441—200.2(3)** as follows:

200.2(3) Forms. Forms 470-3615, ~~Background Report~~ Child Study Part 1, and ~~470-3698, Background Report Part 2~~, shall be completed for all children who are adopted under Iowa Code chapter 600. All forms used to execute a release of custody shall comply with the requirements of Iowa Code chapters 600 and 600A.

Item 47. Amend rule **441—200.3(600)** as follows:

Amend subrules **441—200.3(1)**, and **200.3(2)** as follows:

200.3(1) Limitations. ~~No~~ Any applications to be considered to adopt a special needs child shall be accepted or approved in any department local office or the recruitment and retention contractor offices for the adoption of an easy-to-place a child with special needs

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as defined in 441—201.3(1). ~~Those applicants~~ Applications for a non-special needs child shall be referred to private child-placing agencies. Exceptions to this rule may be made for relatives of a child under the guardianship of the department or foster parents applying to adopt a child with whom the child has a significant relationship.

~~—a. Foster parents shall be given first consideration for selection as the adoptive family for a child in the foster parent’s care who is legally available for adoption if the child has been in the foster parent’s care for one year or longer, or the child has a significant relationship with the family.~~

~~—b. Relatives. A relative who is within the fourth degree of consanguinity shall be given consideration for selection as the adoptive placement for a child who is legally available for adoption if the child has a significant relationship with the relative, or the child is aged 14 or over and elects adoption by the relative.~~

200.3(2) Procedures. An application for a special needs child shall be accepted by any department office or the department’s recruitment and retention contractor. ~~If a family assessment and home study cannot be begun by a department worker within 90 days, a referral shall be made to purchase a home study from a provider with whom the department has a purchase of service contract within available funding.~~ Prior to completion of a home study, applicants shall complete Form 470-0771, Foster Care and Adoption Home Study Packet, Form 470-0689, Application for Adoption, and other required forms issued by department’s recruitment and retention contractor, and ensure that Form 470-0720, Physician’s Report for Foster and Adoptive Parents, is completed by their family physician.

Item 48. Amend rule **441—200.4(600)** as follows:

Amend subrules **441—200.4(3)c**, add subparagraph “d”, **200.4(7)**, paragraph “b”, add new paragraph **200.4(8)** as follows:

441—200.4(600) Components of a Adoption services. ~~The components of a Adoption services are as follows~~ include: adoptive family home study, preparation of child, selection of family, preparation of family, preplacement visits, placement services, and postplacement services. For an approved adoptive parent wanting to be a licensed foster parent, a new family home study is not required. A home study update shall be completed.

200.4(3) Selection of family

~~c. A child who is sexually active and at risk of or is HIV positive shall not be placed in a family where other children reside due to the risk of transmission.~~ Foster parents shall be given first consideration for selection as the adoptive family for a child in the foster parent’s care who is legally available for adoption if the child has been in the foster parent’s care for one year or longer, or the child has a significant relationship with the family.

d. Relatives. A relative who is within the fourth degree of consanguinity shall be given consideration for selection as the adoptive placement for a child who is legally available for adoption if the child has a significant relationship with the relative, or the child is aged 14 or over and elects adoption by the relative.

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200.4(7) *Postplacement services.* Postplacement support services, prior to adoption finalization, for the adoptive family shall be provided by the recruitment and retention contractor as appropriate. Services include supervision, on-going support, crisis intervention, and required reports and assistance with behavioral interventions to strengthen placements and prevent disruptions. An adoptive family is eligible for Ppostplacement supervision is provided services from the time a child is placed with an adoptive family with an adoptive family until finalization of the adoption occurs. Services directed toward the child for achieving permanency shall be provided by the safety, risk and permanency provider.

b. ~~A minimum of three~~ The department worker shall make a minimum monthly adoptive home visits until the adoption is final are required or, if the family is experiencing problems, as many as are necessary to assess and support the placement. The visits shall be documented in the narrative of the child's case file
~~—Home visits shall be completed at a minimum as follows: one no later than 30 days after placement, one no later than 90 days after placement, and a final visit before requesting a consent to adopt. Supervisory reports based on observations shall be completed after the home visits using Form 470-0773, Supervisory Report.~~

200.4(8) *Post adoption services.* The department's recruitment and retention contractor shall provide post adoption services to families that are eligible for the department's adoption subsidy program in accordance with the contract. The goal of these services is to prevent adoption dissolution.

Item 49. Amend rule **441—200.6(600)** as follows:

Rescind subrules **441—200.6(1), (2):**

441—200.6(600) Service provision. Services to a child, a prospective adoptive family or an adoptive family may be provided by the following methods: department adoption workers, the department's recruitment and retention contractor, the family safety, risk, and permanency contractors or other provider the child is eligible for.

Item 50. Rescind rule **441—200.7(600)**

Item 51. Rescind rule **441—200.9(600)**

Item 52. Amend rule **441—200.10(600)** as follows:

Amend subrule **441—200.10(1), 200.10(2)**, and rescind **200.10(3)** as follows:

200.10(1) *Court-ordered.* Court-ordered home studies for adoption or custody of for a child or children under the authority of the department, shall be completed by department's recruitment and retention contractor. workers. When a department worker completes the court-ordered home study, a fee shall be assessed the family based on subrule 200.7(2).

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200.10(2) Interstate compact. Requests for an adoptive home study through the interstate compact process shall be completed by a department's recruitment and retention contractor. ~~worker and the family assessed a fee based on the department's current fee schedule. No fee shall be charged the family if they are a relative of the child within the fourth degree of consanguinity, or the family is the child's foster family.~~

~~—200.10(3) Referrals.~~ Families wishing to adopt an easy-to-place child shall be referred to a childplacing agency or a certified adoption investigator for completion of the home study. Payment of a fee for completion of the home study shall be the family's responsibility.

Item 53. Amend rule **441—200.15(600)** as follows:

441—200.15(600) Requests for information for other than research or treatment.

Requests for information from department adoption records for other than research or treatment shall be made to the Department of Human Services, Division of ~~Behavioral, Developmental, and Protective~~ Child and Family Services, Adoption Program, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114.

Foster Care Placement and Services

Item 54. Amend rule **441—202(234)(237)** as follows:

Amend subrule **441—202.1(234)** definitions "*foster care*", add new definitions "*child study*", "*foster family adoption*", as follows:

"Child study" includes a written description of the child including strengths and needs; medical, mental, social, educational, placement and court history; a description of the child's relationships with the birth family, resource family, and significant others; a summary of the child's understanding and feeling about adoption and recommendations as to the type of family that can best meet the child's needs.

"*Foster care*" shall mean substitute care furnished on a 24-hour basis to an eligible child, in a licensed foster care facility, or approved shelter care facility, by a person or agency other than the child's parent or guardian, but does not include care provided in a family home through an informal arrangement for a period of ~~less not more than 30~~ 20 days. Child foster care shall include but is not limited to the provision of food, lodging, training, education, supervision and health care.

"Foster family adoption" means the adoption of a child by a licensed foster family who has cared for the child.

Item 55. Amend rule **441—202.2(234)** as follows:

Amend subrule **202.2(2)** as follows:

202.2(2) The need for foster care placement and social and other related services including, but not limited to, medical, psychiatric, psychological, and educational

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services shall be determined by an assessment of the child and family to determine their needs and appropriateness of services. Assessments include the educational, physical, psychological, social, family living, and recreational needs of the child and the family's ability to meet those needs, and a family genogram to determine relative and suitable other person supports who have a kinship bond with the child. The assessment is a continual process to identify needed changes in service or placement for the child.

Item 56. Amend rule **441—202.3(234)** as follows:

Amend subrule **202.3(3)** as follows:

202.3(3) Voluntary placement of a child aged 18 or older may be granted for six months at a time only when the child meets the definition of “child” in subrule 202.1(3), was in foster care or a state institution immediately prior to reaching the age of 18, has continued in foster care or a state institution since reaching the age of 18, and has demonstrated a willingness to participate in case planning and to fulfill responsibilities as defined in the case plan. Payment shall be limited pursuant to 441-paragraph 56.20(1) “b.”

Item 57. Amend rule **441—202.4(234)** as follows:

Amend subrules **441—202.4(3), 202.4(4), 202.4(6)** as follows:

202.4(3) ~~Staff~~ The department shall first consider placing the child in a relative's home unless to do so would interfere with the permanency plan for the child, no relatives are available or willing to accept placement, or to do so would be detrimental to the child's physical, emotional or mental well-being. If a relative will accept placement of the child in their home, record checks shall be completed before placement, and the relative shall sign form 595-1489, Non-Law Enforcement Record Check Request in order for the department to evaluate if the relative placement is appropriate for the child.

202.4(4) If the child cannot be placed with a relative, or suitable person who has a kinship bond with the child, foster family care shall be used for a child unless the child has problems ~~requiring~~ which require specialized services ~~which that~~ cannot be provided in a family setting.

202.4(6) A foster group care facility shall be selected on the basis of its ability to meet the needs of the child, promote the child's growth and development, and ensure physical, intellectual and emotional progress during the stay in the facility. The department shall place a child only in a licensed or approved facility ~~which has a current purchase of service contract with the department.~~

Item 58. Amend rule **441—202.5(234)** as follows:

Amend subrule **441—202.5(1)**,

202.5(1) Except for ~~emergency foster care~~ placements made in less than 24 hours, a child placed in a facility shall have a preplacement visit involving the child, the foster parents or agency staff, if the child is placed in a public or private agency, and the department service worker.

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Item 59. Amend rule **441—202.6(234)** as follows:

Amend subrules **441—202.6(1)**, and **202.6(2)**, as follows:

202.6(1) At the time of placement, the department worker shall provide the facility with ~~specific~~ any available information regarding the child including the case permanency plan, names, addresses, and telephone numbers of parents, guardian, significant relatives, or significant persons of the child, the supervising agency, the child's physician, dentist and dental information, the results of a physical examination, immunizations received, allergies, the child's medical needs including special needs of HIV, behavioral patterns including safety-related information, and educational arrangements; the placement contract or agreement; and medical authorizations, service authorizations, and other releases as needed.

202.6(2) For each foster care placement in a foster family home supervised directly by department staff, Form 470-0716, Foster Family Placement Contract, shall be completed by the ~~provider and~~ department worker ~~representatives~~. A new foster family placement contract shall be completed when the rate of payment or special provisions change. The department worker shall provide to the foster family at the time of a child's placement any available information regarding the child including:

- a. The child's full name, birth date, and date of acceptance for care.
- b. Name, addresses, and telephone numbers of significant relatives of the child, including parents, grandparents, brothers and sisters, aunts and uncles, and any other significant persons. In case of adoption, these shall be adoptive parents and adoptive relatives.
- c. The name, address, and telephone number of the child's physician, parents or guardian, and the supervising agency.
- d. Information about immunizations received by children under their care, allergies, physical limitations, and medical recommendations.
- e. Educational information including the school the child attends, special education needs, school contacts, etc.
- f. Until the child leaves foster care, the placement worker and their department supervisor's home telephone or cell phone, and the on-call telephone number.

Item 60. Amend rule **441—202.8(234)** as follows:

Amend subrule **441—202.8(1)** as follows:

202.8(1) The department shall make an out-of-state foster family care placement only with the approval of the service area manager or designee. Approval shall be granted only when the placement will not interfere with the goals of the child's case plan and when one of the following conditions exists:

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Item 61. Amend rule **441—202.13(234)** as follows:

Amend subrule **441—202.13(3)**, as follows:

202.13(3) If a foster family objects in writing within seven days from the date that the information of plans to remove the child is mailed or hand delivered to the department, the service area manager or designee shall grant a conference to the foster family to determine that the removal is in the child's best interest.